

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANA LAMBETH-GREER
GENERAL GUARDIAN TO
MINOR CHILD DOE,

Plaintiff,

v.

FARMINGTON PUBLIC
SCHOOLS, *et al.*,

Defendants.

Case No.: 21-10752

Paul D. Borman
United States District Judge

Curtis Ivy, Jr.
United States Magistrate Judge

**ORDER GRANTING DEFENDANTS' MOTION FOR ORDER TO SHOW
CAUSE (ECF No. 12) AND COMPELLING RESPONSE TO SUBPOENA**

Plaintiff Dana Lambeth-Greer filed this case against Farmington Public Schools, Emilie Lok Jordan, Robert Herrera, and Current Farmington Public Schools Superintendent ("Defendants") on April 2, 2021. (ECF No. 1). Defendants moved for the Court to order Elm Street Clinic to show cause for ignoring Defendants' subpoena. Defendants seek Plaintiff's medical records from Elm Street Clinic. Plaintiff consents to release of the records. (ECF No. 12). This motion was referred to the undersigned. (ECF No. 13).

The undersigned held a hearing on Defendants' motion on **May 26, 2022 at 10:00 a.m.** Elm Street Clinic was served with notice of the motion hearing. (ECF

No. 16-2). Plaintiff's counsel and a representative for Elm Street Clinic failed to appear, so the undersigned rescheduled this matter for a status conference on **June 7, 2022 at 11:30 a.m.** The undersigned also directed Defendants' counsel to re-issue the subpoena to Elm Street Clinic's Records Keeper. At the status conference, no representative from Elm Street Clinic appeared. Further, Elm Street Clinic failed to respond to Defendants' subpoenas.

Defendants' subpoena was issued in the Eastern District of Michigan. (ECF No. 12-2). The court for the district where compliance is required "may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it." Fed. R. Civ. P. 45(g). As mentioned above, a representative for Elm Street Clinic did not appear at the status conference or answer Defendants' subpoena. For these reasons, Defendants' motion for order to show cause (ECF No. 12) is **GRANTED**. Elm Street Clinic's Records Keeper is **ORDERED** to show cause in writing on or before **June 23, 2022** why Elm Street failed to answer Defendants' subpoena. Elm Street Clinic's Records Keeper is also **ORDERED** to respond to Defendants' subpoena and provide Defendants with the requested records by **June 23, 2022**. **Failure to timely or adequately respond to this Order to Show Cause and respond to Defendants' subpoena may result in an Order holding Elm Street Clinic in contempt of Court.**

Defendants MUST personally serve AND mail this order to the non-party. Defendants MUST also file a notice or certificate of service confirming both attempts at service

IT IS SO ORDERED.

Review of this Order is governed by Federal Rule of Civil Procedure 72 and Local Rule 72.1.

Date: June 9, 2022

s/Curtis Ivy, Jr.
Curtis Ivy, Jr.
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 9, 2022, by electronic means and/or ordinary mail.

s/Kristen MacKay
Case Manager
(810) 341-7850